

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By Chairman Ron Stoker, on January 7, 2009 at 8:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Ron Stoker, Chairman (R)  
Rep. Deborah Kottel, Vice Chairman (D)  
Rep. Ken Peterson, Vice Chairman (R)  
Rep. Arlene Becker (D)  
Rep. Gerald Bennett (R)  
Rep. Anders Blewett (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. David Howard (R)  
Rep. Krayton Kerns (R)  
Rep. Margaret MacDonald (D)  
Rep. Edith (Edie) McClafferty (D)  
Rep. Mike Menahan (D)  
Rep. Michael More (R)  
Rep. Keith Regier (R)  
Rep. Diane Sands (D)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Jennifer Eck, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:** Presentations were made to the Committee by prominent State of Montana law and justice officials.

Hearing & Date Posted: No bills were heard.  
Executive Action: None.

00:00:01 Chairman Stoker  
00:01:50 Rep. Sands  
00:01:56 Chairman Stoker

**INTRODUCTIONS**

00:02:06 Rep. Kottel  
00:02:22 Rep. Kerns  
00:02:41 Rep. Sands  
00:02:55 Rep. Bennett  
00:03:04 Rep. MacDonald  
00:03:25 Rep. More  
00:03:39 Rep. Ebinger  
00:04:00 Rep. Wagner  
00:04:16 Rep. Becker  
00:04:33 Rep. Driscoll  
00:04:43 Rep. Regier  
00:05:00 Rep. McClafferty  
00:05:08 Rep. Howard  
00:05:16 Rep. Blewett  
00:05:22 Rep. Warburton  
00:05:34 Rep. Menahan  
00:05:53 Rep. Peterson  
00:06:57 Chairman Stoker

**PRESENTATIONS**

**Presentation by Chief Justice McGrath:**

00:08:30 Mike McGrath, Chief Justice, Montana Supreme Court  
00:23:10 Chairman Stoker  
00:23:24 Chief Justice McGrath  
00:27:52 Chairman Stoker

**Questions from Committee Members and Responses:**

00:27:59 Chief Justice McGrath  
00:28:07 Chairman Stoker  
00:28:11 Rep. Peterson  
00:29:14 Chief Justice McGrath  
00:31:48 Chairman Stoker  
00:31:51 Rep. Kottel  
00:31:53 Chairman Stoker  
00:31:58 Rep. Kottel  
00:32:15 Chief Justice McGrath  
00:32:53 Rep. Kottel  
00:32:54 Chairman Stoker  
00:32:56 Rep. Regier

00:33:10 Chief Justice McGrath  
 00:34:03 Chairman Stoker  
 00:34:08 Rep. Blewett  
 00:34:17 Chief Justice McGrath  
 00:35:20 Chairman Stoker  
 00:35:23 Rep. Wagner  
 00:36:15 Chief Justice McGrath  
 00:37:02 Lois Menzies, Court Administrator, Montana Supreme Court  
 00:39:00 Rep. Peterson  
 00:39:18 Chairman Stoker  
 00:39:23 Rep. Peterson  
 00:39:58 Ms. Menzies  
 00:40:46 Rep. Peterson  
 00:40:55 Ms. Menzies  
 00:40:58 Rep. Peterson  
 00:41:01 Chairman Stoker  
 00:41:35 Mr. Niss

**Presentation by Ms. Randi Hood:**

00:42:23 Chairman Stoker  
 00:43:25 Randi Hood, Chief Public Defender, Montana Public  
 Defender Commission  
 00:43:28 Chairman Stoker  
 00:43:32 Ms. Hood

**EXHIBIT(juh03a01)**

**Questions from Committee Members and Responses:**

01:07:45 Chairman Stoker  
 01:08:24 Harry Freeborn, Administrative Director, Office of the  
 State Public Defender  
 01:11:43 Chairman Stoker  
 01:12:10 Mr. Freeborn  
 01:12:26 Chairman Stoker  
 01:12:34 Rep. Howard  
 01:12:44 Mr. Freeborn  
 01:13:04 Chairman Stoker  
 01:13:06 Rep. Kottel  
 01:14:01 Ms. Hood  
 01:15:43 Rep. Kottel  
 01:15:45 Chairman Stoker  
 01:15:47 Rep. Wagner  
 01:16:18 Rep. Hood  
 01:18:00 Chairman Stoker  
 01:18:04 Ms. Hood  
 01:18:15 Chairman Stoker  
 01:18:20 Ms. Hood  
 01:18:25 Chairman Stoker  
 01:18:27 Rep. Regier

01:18:43 Ms. Hood  
01:19:17 Chairman Stoker  
01:19:25 Rep. Peterson  
01:19:53 Ms. Hood  
01:19:59 Rep. Peterson  
01:20:20 Chairman Stoker  
01:20:21 Rep. Peterson  
01:23:27 Ms. Hood  
01:26:27 Rep. Peterson  
01:26:31 Chairman Stoker  
01:26:34 Rep. Peterson  
01:26:56 Ms. Hood  
01:27:15 Chairman Stoker

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**Presentation by Mike Ferriter:**

01:54:28 Chairman Stoker  
01:55:11 Mike Ferriter, Director, Montana Department of  
Corrections

**EXHIBIT(juh03a02)**

**Questions from Committee Members and Responses:**

02:07:49 Chairman Stoker  
02:07:51 Mr. Ferriter  
02:20:53 Chairman Stoker  
02:21:13 Rep. Warburton  
02:21:25 Mr. Ferriter  
02:24:59 Chairman Stoker  
02:25:01 Rep. Warburton  
02:25:08 Mr. Ferriter  
02:26:49 Chairman Stoker  
02:27:02 Mr. Ferriter  
02:28:42 Chairman Stoker  
02:29:16 Mr. Ferriter  
02:30:42 Chairman Stoker  
02:31:03 Mr. Ferriter  
02:31:20 Chairman Stoker  
02:31:22 Rep. Sands  
02:32:15 Mr. Ferriter  
02:35:20 Chairman Stoker  
02:35:22 Rep. Sands  
02:36:01 Chairman Stoker  
02:36:31 Mr. Ferriter  
02:37:57 Chairman Stoker  
02:38:08 Mr. Ferriter  
02:38:42 Chairman Stoker  
02:38:44 Rep. Peterson  
02:38:46 Chairman Stoker

02:38:50 Rep. Peterson  
02:39:42 Mr. Ferriter  
02:40:55 Chairman Stoker  
02:40:58 Rep. Driscoll  
02:41:09 Chairman Stoker  
02:42:10 Mr. Ferriter  
02:42:12 Chairman Stoker  
02:42:15 Mr. Ferriter  
02:42:17 Chairman Stoker  
02:42:50 Mr. Ferriter  
02:42:54 Rep. Ebinger  
02:43:08 Chairman Stoker  
02:43:11 Rep. Ebinger  
02:43:17 Mr. Ferriter  
02:43:33 Chairman Stoker

**Presentation by Attorney General Bullock:**

02:44:46 Steve Bullock, Attorney General, State of Montana

**Questions from Committee Members and Responses:**

03:08:12 Chairman Stoker  
03:08:52 Ali Bovingdon, Assistant Attorney General, State of  
Montana  
03:11:45 Chairman Stoker  
03:12:00 Ms. Bovingdon  
03:12:03 Chairman Stoker  
03:12:16 Ms. Bovingdon  
03:13:01 Chairman Stoker  
03:13:14 Ms. Bovingdon  
03:13:17 Chairman Stoker  
03:13:20 Rep. Peterson  
03:13:33 Ms. Bovingdon  
03:13:34 Rep. Peterson  
03:13:57 Ms. Bovingdon  
03:14:13 Rep. Peterson  
03:14:23 Ms. Bovingdon  
03:14:31 Rep. Menahan  
03:14:35 Rep. Peterson  
03:14:54 Ms. Bovingdon  
03:15:05 Chairman Stoker

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**Presentation by Ms. Sheri Heffelfinger:**

03:28:12 Chairman Stoker  
03:29:18 Sheri Heffelfinger, Principle Staff, Legislative Law and  
Justice Interim Committee

03:29:21 Chairman Stoker

03:30:57 Ms. Heffelfinger

[EXHIBIT\(juh03a03\)](#)

**Questions from Committee Members and Responses:**

03:33:49 Chairman Stoker

03:34:15 Ms. Heffelfinger

03:47:57 Chairman Stoker

03:48:13 Ms. Heffelfinger

03:51:46 Chairman Stoker

**ADJOURNMENT**

03:54:54 Adjournment

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JENNIFER ECK, Secretary

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Additional Documents:

**EXHIBIT ([juh03aad.pdf](#))**